Terry Carson

August 19, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Privacy Office:

I am writing to urge you to stop the CAPPS II program. I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.

I have read that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

Terrorists will learn how to circumvent the system. Identity thieves could easily sidestep this check by presenting a false driver's license or passport, undercutting the system's entire mission. And the constant false alarms might divert the attention of airport security officers from legitimate threats to security.

I have also read that, if adopted, the most intrusive and dangerous element of the program - the construction of an infrastructure for conducting background checks on people who fly - would depend on shadowy intelligence/law enforcement databases of questionable reliability. The use of these secret databases would remove meaningful public oversight and control over these un-American background checks.

Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Terry H. Carson

Steve Johnston

██████████████

August 21, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Privacy Office:

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Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Steve Johnston

P.S. There are more reliable and less intrusive ways to protect airplanes. Hey, what happened to the Airborn marshels?

August 19, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Privacy Office:

I am writing to urge you to stop the CAPPS II program. I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.

STOP PUNISHING EVERY CITIZEN OF THIS COUNTRY FOR THE ACTIONS OF A SMALL GROUP OF TERRORIST THAT IN THE LARGER PICTURE AMOUNT TO NO MORE THAN A NUISANCE.

USE THE PAST 200 YEARS OF FREEDOM IN AMERICA AND AT LEAST ATTEMPT TO GAIN SOME PERSPECTIVE.

STOP DISMANTLING THE CONSTITUTION TO SERVE YOUR PARANOID, IDEOLOGICAL OBJECTIVES.

I have read that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

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Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Robert Ismert

Jean W. Gowen, PhD.
███████████████████
███████████████

August 20, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Dear Sir or Madam:

I am writing to urge you to stop the CAPPS II program. I am deeply concerned that these intrusive background checks, carried out without proper oversight, will threaten our civil liberties and do little to protect our security.

Already, innocent people have been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

There's no question but what terrorists will learn how to circumvent the system. Identity thieves could easily sidestep this check by presenting a false driver's license or passport, undercutting the system's entire mission. And the constant false alarms might divert the attention of airport security officers from legitimate threats to security.

The most intrusive and dangerous element of this program - the construction of an infrastructure for conducting background checks on people who fly – will depend on shadowy intelligence/law enforcement databases of questionable reliability. The use of these secret databases would remove meaningful public oversight and control over these un-American background checks.

Once again, I urge you to stop this invasive and untrustworthy system.

                                        Sincerely,

                                        [signature]

                                        Jean W. Gowen

Ralph DiGregor

August 19, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-

Privacy Office:

I am writing to urge you to stop the CAPPS II program. I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.

I have read that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

Terrorists will learn how to circumvent the system. Identity thieves could easily sidestep this check by presenting a false driver's license or passport, undercutting the system's entire mission. And the constant false alarms might divert the attention of airport security officers from legitimate threats to security.

I have also read that, if adopted, the most intrusive and dangerous element of the program - the construction of an infrastructure for conducting background checks on people who fly - would depend on shadowy intelligence/law enforcement databases of questionable reliability. The use of these secret databases would remove meaningful public oversight and control over these un-American background checks.

Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Ralph DiGregor

Gloria Jackson-Nefertiti

August 19, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Dear Privacy Office:

I am writing to urge you to stop the CAPPS II program. I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.

I have read that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

Terrorists will learn how to circumvent the system. Identity thieves could easily sidestep this check by presenting a false driver's license or passport, undercutting the system's entire mission. And the constant false alarms might divert the attention of airport security officers from legitimate threats to security.

I have also read that, if adopted, the most intrusive and dangerous element of the program - the construction of an infrastructure for conducting background checks on people who fly - would depend on shadowy intelligence/law enforcement databases of questionable reliability. The use of these secret databases would remove meaningful public oversight and control over these un-American background checks.

Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Gloria Jackson-Nefertiti

August 19, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Privacy Office:

I am writing to urge you to stop the CAPPS II program. I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.

I would urge you to follow the protocols already in place and request those in charge of doing their jobs, to do them more efficiently, rather than create intrusive methods. People within the US government are capable of providing adequate security; they just need to be efficient with ALL aspects of their jobs. These proposals will allow for certain workers to become lazy who are involved with providing proper security. The margin for error will have devastating effects on the wrong people and create unnecessary burdens to law-abiding citizens.

I have read that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

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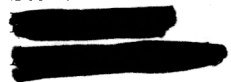
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Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Steve Christianson

Ada Banasik

██████████
██████████

August 19, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1   PRIVACY ACT NOTICE

Privacy Office:

I am writing to urge you to stop the CAPPS II program. I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.

I have read that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

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Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Ada H. Banasik

Ada H. Banasik

Joshua Cox

August 20, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

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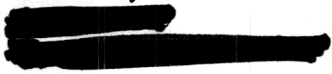
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Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Joshua Cox

Kevin Riley

██████████████████████

August 19, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

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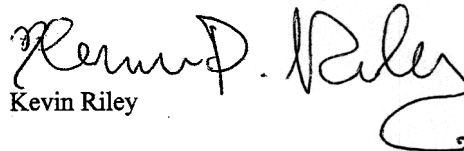
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Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Kevin Riley

August 20, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

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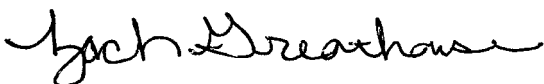
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Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Zach Greathouse

Benjamin Benigno

███████
██████████

August 21, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

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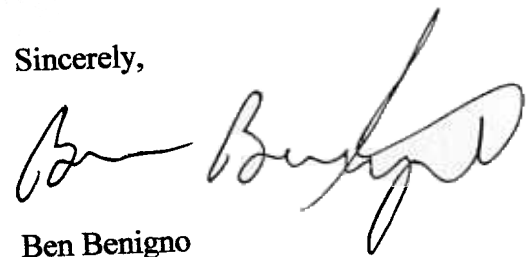
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Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Ben Benigno

Privacy Office
Department of Homeland Security
Washington, DC 20528

8/24/03

I am writing to urge you to stop the CAPPS II program (DHS/TSA-2003-1). I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.

I have read that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

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Once again, urge you to stop this invasive and untrustworthy system.

Sincerely,

Kathy Labriola

8-24-03

Privacy Office
Department of Homeland Security
Washington, DC 20528

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Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Karen Silkwood

I am not giving my name because I'm afraid of being persecuted.

Privacy Office
Department of Homeland Security
Washington, DC 20528

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Once again, urge you to stop this invasive and untrustworthy system.

Sincerely,

MARK WIEDER

8-24-03

Privacy Office
Department of Homeland Security
Washington, DC 20528

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Once again,

Sincerely,

my name for fear

Privacy Office
Department of Homeland Security
Washington, DC 20528

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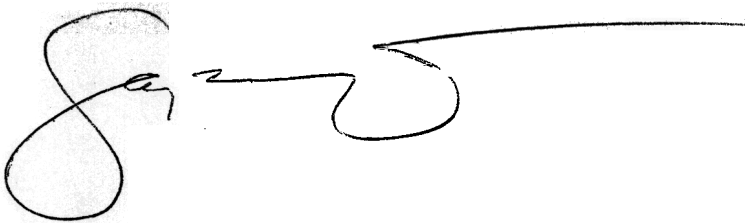
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Once again, urge you to stop this invasive and untrustworthy system.

Sincerely,

8/24/03

Privacy Office
Department of Homeland Security
Washington, DC 20528

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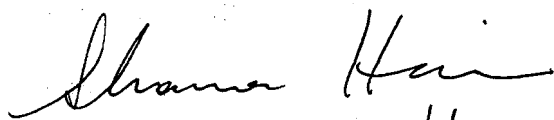
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Once again, urge you to stop this invasive and untrustworthy system.

Sincerely,

Shauna Haines

Privacy Office
Department of Homeland Security
Washington, DC 20528

I am writing to urge you to stop the CAPPS II program (DHS/TSA-2003-1). I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.
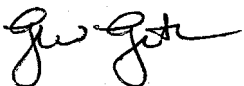
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Once again, urge you to stop this invasive and untrustworthy system.

Sincerely,

Arion Potts

August 22, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Privacy Office:

I write to urge you to stop the proposed CAPPS II program involving air travel.. I am deeply concerned this program will put the government on a path toward ever-more intrusive background checks, and actually hamper security efforts in general.

Innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- some of them months out of date (yet still enforced) and have been unable to clear their names in the federal bureaucracy. This national system will only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations who pose no realistic threat to security.

Terrorists already know how to circumvent the system. Identity thieves easily sidestep airport security by presenting a false driver's license or passport, undercutting the system's entire mission. The constant false alarms generated by such a system would surely divert the attention of airport security officers from legitimate threats to security.

If adopted, the most intrusive and dangerous element of the program - the construction of an infrastructure for conducting background checks on people who fly - would depend on shadowy intelligence/law enforcement databases of questionable reliability. The use of these secret databases would remove meaningful public oversight and control over these blatantly un-American background checks.

I am curious to know why the Homeland Security department is attempting to implement such a system when the legal hurdles it would face (from the public and Congress, not just the courts) make it very clear the program does not abide by the Constitution or Federal Sunshine laws. I think such a callous disregard for the public's trust and taxes collected from the public should have a few more hearings before Congress and others charged with holding public interest first.

Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Arion Potts

August 29, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Privacy Office:

I am writing to urge you to stop the CAPPS II program. I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.

I know that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists and to top it off these people were only protesters. I am completely outraged that the U.S. government would even try to pass legislative like this. The more people who know about it = the more they will become angry. Does Bush was reelection?

Terrorists will learn how to circumvent the system. Identity thieves could easily sidestep this check by presenting a false driver's license or passport, undercutting the system's entire mission. And the constant false alarms might divert the attention of airport security officers from legitimate threats to security.

I have also read that, if adopted, the most intrusive and dangerous element of the program = the construction of an infrastructure for conducting background checks on people who fly - would depend on shadowy intelligence/law enforcement databases of questionable reliability. The use of these secret databases would remove meaningful public oversight and control over these un-American background checks.

Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Andrew J. Bulmer

Mark Kloehn

August 25, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Privacy Office:

I am writing to urge you to stop the CAPPS II program. I am deeply concerned that this program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.

I have read that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

What kind of effect will this have on a "just recovering" industry? Also, if I were to be detained due to an error in the computer system, will the federal government be reimbursing me for my lost time, missed conference or meeting, or the cost for rescheduling another flight?

And then there are the terrorists, who will no doubt learn how to circumvent the system. Identity thieves could easily sidestep this check by presenting a false driver's license or passport, undercutting the system's entire mission. And the constant false alarms might divert the attention of airport security officers from legitimate threats to security.

I have also read that, if adopted, the most intrusive and dangerous element of the program - the construction of an infrastructure for conducting background checks on people who fly - would depend on shadowy intelligence/law enforcement databases of questionable reliability. The use of these secret databases would remove meaningful public oversight and control over these un-American background checks.

Once again, I urge you to stop this invasive and untrustworthy system.

Sincerely,

Mark David Kloehn

Joseph Genese

████████████

September 3, 2003

    Privacy Office
U.S. Department of Homeland Security
Washington, DC   20528

Re: Comments on DHS/TSA-2003-1

    Privacy Office:

I am writing to urge you to stop the CAPPS II program. I am deeply
concerned that this program will put the government on a path toward
ever-more intrusive background checks, and hinder the security at our
nation's airports.

Here's what's WRONG with CAPPSII proposal: 1. The TSA exempts itself from
having to publish the "sources of records". The sources need to be
revealed. 2. The basis for the "Assessment Score" is kept secret. The
basis for the score and the method by which the actual score value is
calculated need to be revealed. 3. The Assessment Score's possible range
and the actual score value at which the risk ranking changes from "low" to
"high", is not revealed. Both the range and point of risk transistion
need to be revealed. 4. Individuals singled out by the CAPPSII system
will not know if they are a victim of any data inaccuracies, nor will they
have a way for correcting any such errors. All individuals need to know
their assigned Assessment Score, and, too, must have a way of questioning
the correctness of the assigned score value.   5. Evaluating individuals
and assigning everyone an Assessment Score is just not right. Especially
if the method by which the score is determined is kept secret. Secret
techniques such as this are NOT the American way. Any such risk ranking
system MUST be transparent to allow individuals to know what score they've
been earmarked with, and to allow every individual the opportunity to
question that earmarked score.

I prefer that the CAPPSII System be completely abandoned. But if a CAPPS3
System were to be developed, then it MUST be set up to inform people of
(1) their Assessment Score, (2) the way by that Score was determined, and
(3) the method by which a person may question their assigned score and
risk ranking.

                        Sincerely,

                        JG

                        Joseph Genese

Steven M. Salzman

Privacy Office   September 2, 2003
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

Privacy Office:

I am writing to urge you to stop the CAPPS II program. This program will put the government on a path toward ever-more intrusive background checks, and hinder the security at our nation's airports.
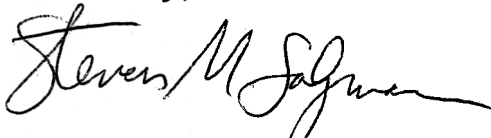
Innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations.

Terrorists will learn how to circumvent the system. Identity thieves could easily sidestep this check by presenting a false driver's license or passport, undercutting the system's entire mission. And the constant false alarms might divert the attention of airport security officers from legitimate threats to security.

If adopted, the most intrusive and dangerous element of the program - the construction of an infrastructure for conducting background checks on people who fly - would depend on shadowy intelligence/law enforcement databases of questionable reliability. The use of these secret databases would remove meaningful public oversight and control over these un-American background checks.

Once again, urge you to stop this invasive and untrustworthy system.

Sincerely,

Steven M. Salzman

Privacy Office
Attn: Yvonne L. Coates
U.S. Department of Homeland Security
Washington DC 20528

URGENT

RE: Docket DHS/TSA - 2003-1

Dear Ms. Coates

I am opposed to providing my date of birth when making an airline reservation. It is not really necessary, given already overdone security procedures; it is a terrible invasion of privacy; and it can lead to identity theft.

1/4

Further, I am opposed to using inaccurate databases/sources such as ChoicePoint. Credit bureau information is highly erroneous, outdated, incomplete, etc. It is my impression NO credit report has <u>ever</u> been found to be entirely accurate. For some strange reason our society has made a "golden calf" of credit bureaus. Like the "golden #calf"

they are, clearly, a false idol. Again, this could easily lead to identity theft.

I am an American citizen. I have a civil right to privacy.

This is not a totalitarian police state. This is not Nazi Germany, Franco's Spain, Stalin's Soviet Union, or Mao's Communist China

3/4

Again, NO birthdates when making airline reservations

When I was young there was a free country

Sincerely

[signature]

P.S   duplicate
      copy attached

44

* August 26, 2003

Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Subject: Comments on Docket Number DHS/TSA-2003-1

I. CAPPS II BY ITS VERY NATURE WILL EXPAND, AND LIMITATIONS INITIALLY PLACED ON IT AND ASSURANCES ABOUT SUCH LIMITATIONS SHOULD BE VIEWED WITH SKEPTICISM

On June 25 an editorial about CAPPS II by TSA Administrator James M. Loy appeared in "USA Today." He basically said (1) there is "a no-fly list"; (2) there are two "problems," i.e., the wrong people are sometimes delayed and airlines apply the list inconsistently; and (3) "The long-term solution is CAPPS II." Admiral Loy told Americans that the purpose of CAPPS II will be to confirm passengers' identities in support of "the list," and for millions of Americans who read the editorial this may be all they know of it. The editorial said CAPPS II would use "routine passenger information" — name, date of birth, home address, and home phone number. (This information is decidedly NOT routine, but what TSA wishes to BECOME ROUTINE.) It made no mention of using CAPPS II as a dragnet for nonterrorist fugitives, so-called "domestic terrorists," and immigration violators. TSA Deputy Administrator Steve McHale told the European Parliament in May the program is being designed to target terrorists, not other criminals or smugglers. Another change has been that data which it was claimed would be disposed of immediately after the safe completion of a flight is now going to be retained for an unspecified period of time. All of these expansions have taken place before the program even gets under way! How many more will there be? The possibilities are infinite.

DOT issued proposed rules for the initial CAPS program on April 19, 1999. Reference to that document proves instructive as to what we can expect in the way of change. Consider this statement by the Department of Justice with respect to privacy:

"CAPS does not involve any invasion of passengers' personal privacy. CAPS does not create any new database on passengers and is not linked to any database other than the existing airline computer reservation systems. CAPS selectee results will not be retained on a personally identifiable basis and the information used to calculate each CAPS result will not be retained on computer by the airline reservation systems."

It appears that each of these assurances to some extent at least does not hold true for CAPPS II. Therefore in the reasoning of the Justice Department CAPPS II would violate passengers' privacy. Undoubtedly the "routine" additional information to be demanded from the passenger will be retained by the airlines.

Other attributes of CAPS listed in the April 1999 notice, undoubtedly intended to cast CAPS in a positive light and reassure passengers with regard to their privacy, were these:

"The CAPS system is also intended to minimize the overt identification of passengers selected for additional security procedures ... The CAPS system relies solely on information that passengers PRESENTLY [emphasis added] provide to air carriers for reasons unrelated to security. It does not depend on the gathering of any additional information from air travelers, nor is it connected to any law enforcement or intelligence database."

It appears none of these reassurances would apply to CAPPS II.

There is an absolutely incredible potential for the expansion of this program. In the future, those with only a marijuana conviction or arrest — even an friend, associate or family member — could be targeted for additional searches, as could those who subscribe to certain magazines, listen to certain music, belong to certain organizations, or purchase certain (legal) products. This is not some bizarre fantasy; with CAPPS II in place we would only be a hair's breadth away from it.

II. CAPPS II MAY EMBARRASS AND INCONVENIENCE PASSENGERS AT THE AIRPORT TO AN EVEN GREATER EXTENT THAN IS NOW THE CASE

Many people travel for pleasure. Searches and interrogations by government agents are certainly something that could spoil a vacation — or at least detract from its enjoyment — and even their possibility decreases the enjoyment of travel. Admiral Loy stated in the June editorial that the goal is to keep people on "the list" from flying. Will TSA give passengers with low authentication scores (or high risk scores) an extra search, which millions of us have been subjected to (and probably not enjoyed), or also force them to attempt to confirm their identity and answer other questions about their trip, job, family, associations, etc.? Will their purses, wallets, and personal papers be inspected? What happened to "Getting there is half the fun"?

Attempting to confirm travelers' identities will open up an ugly new can of worms. An identity score will in almost all cases reflect the accuracy and completeness of the database rather than the truthfulness of the passenger. Real terrorists, who have the time and money to take flying lessons, for example, if they decide to fly under false identities for whatever reason are probably not going to do a sloppy job of it. Trying to let ordinary people through the sieve while blocking clever terrorists, who would undoubtedly take great pains to establish their false identity, would be a daunting task indeed. In the identity-confirmation process there will be a big haystack with few (if any) needles: the vast majority with low authentication scores will turn out to be who they say they are, and the vast majority of those who are not will not be on "the list."

Reverting to the "problems" which Admiral Loy addressed, he says "of the 45 million people who fly each month ... only 16 have sought relief from TSA." It seems an easy solution to "both problems" would be to (1) give airlines good descriptions of those on the list, as well as good descriptions of those who seek "relief"; and (2) get the airlines to act more consistently. Widening the use of ID cards is in most cases to be avoided, but in the very limited number of cases where people are repeatedly mistaken for suspected terrorists, the use of a special picture "anti ID" saying, "The individual pictured on this card is not the Abu ben Adhem on such-and-such list" would probably not meet with objection.

Two points about identity theft. First, there were hundreds of thousands of reports of identity theft last year. That indicates to me that for someone with the requisite knowledge and skill it's not too hard to convincingly assume another's identity. Second, the system will likely pick out VICTIMS OF IDENTITY THEFT. As if their lives aren't miserable enough already, now it's going to be hell getting through the airport!

III. THE COSTS OF CAPPS II WILL FAR OUTSTRIP THE BENEFITS

After we have used up lots of resources and perhaps annoyed, irritated, angered and terrified millions of people (one percent of the 45 million people who fly each month would be 5.4 million a year) JUST TO ESTABLISH THEIR IDENTITIES, NOTHING TO DO WITH RISKS, we are ready for the background check. What are we trying to accomplish here? Admiral Loy says, "Securing air travel from terrorist threats is a demanding responsibility ... That's why there is a no-fly list." What threats does he mean? Given the multitude of precautions we are already taking, the possibility of a hijacking of the 9/11 variety seems remote; it succeeded because we didn't anticipate it, which is not surprising because it was quite unprecedented. When CAPPS II is ready to roll, the cockpit doors will be solid and locked, many of the pilots will have guns, and the crew will be ready to do their utmost to abort a hijacking.

The other possibility we think about is an explosion resulting in a crash. Is the combination of identity check, list, and background check going to stop a terrorist organization from attempting this? If it is really what they want to do, they'll find people who can fly without being stopped (while the system is harassing the same innocent passengers time and time again). Think of the teenage suicide bombers from the West Bank. In other words, this system may discourage certain INDIVIDUALS who are known to TSA or who find they have difficulty flying from doing certain deeds THEMSELVES, with the result that other individuals or other deeds may be substituted. And it will use resources which would otherwise be used for random searches, which deter everyone, to target those who are already wary.

What are the estimated costs and benefits for CAPPS II? Has any attempt been made to calculate them?

Let me refer again to the April 19, 1999 proposal. It attempted to quantify costs and benefits for the original CAPS: "The discounted cost of this proposed rule is $2.0 billion, while the discounted benefits for each Class I explosion averted (from Table 7) comes to $190 million. Hence, if only 1 Class I Explosion is averted, the present value of losses due to market disruption must at least equal $1.8 billion ($2.0 billion less $190 million — one Class I explosion)."

At that time we were concerned about a plot that had been uncovered to "bomb twelve American airliners over the Pacific Ocean." We feared saboteurs would check baggage containing explosives and not take the flight.

Today we have explosives detection systems for checked baggage, which are hopefully up to the job. (The April 1999 rule said, "EDS offers the highest level of security ...") Now we concern ourselves with the possibility of a passenger bringing an explosive on board, a la Richard Reid.

Such attempts have been successful in the past, and there can be little doubt that somewhere, someday, similar events will occur. No doubt steps taken to avoid such a tragedy confer benefits on society.

But as with any benefits, we must consider the costs, including the costs of lessening the freedom and openness of our society, the costs of demanding from passengers information they heretofore have not had to give (and might rather not give to the airlines, which will retain it and use it for whatever purposes they deem appropriate), the costs in the lessening of the enjoyment of travel for those who must undergo increased security procedures, the costs of making people arrive at the airport an hour or half-hour earlier than they otherwise would, etc.

These costs are borne by almost 300 million Americans plus the staggering number of those who visit this country every year. It is not a few eccentrics who are objecting to CAPPS II. Keith Alexander in the "Washington Post" of 3/11/03 reported: "In a survey by the Association of Corporate Travel Executives, 82 percent of 255 respondents said they viewed the computer screening system as an invasion of privacy." And from the benefits of avoiding plane crashes, we must deduct the costs of whatever alternative might be chosen. Perhaps CAPS really did avert 12 plane crashes, and we got 9/11 instead.

The first attack on the World Trade Center took place in 1993. Since then terrorists on average have killed less than one American per day, but that includes the 9/11 attacks, a unique event in history. This is a lot of people, but how much of our way of life do we want to sacrifice because of that one person a day? Nothing we do will bring them back, and a repeat event of this magnitude in aviation is very unlikely.

If planes were dropping from the skies in great numbers, few would question the appropriateness of increased security. But we must consider the fact that we have already taken many steps in this direction, as well as the historical record of fatalities in crashes caused by bombs brought aboard by passengers (see suggestions below).

Terrorists considering multiple suicide-bomber attacks on aircraft would have to consider the fact that (1) some of their number may get cold feet; (2) others may be detected; (3) some bombs may not detonate; (4) the detonation may not bring down the aircraft.

But consider this: The State Department announced in May that terrorism is at its lowest level in 33 years and that there were no terrorist attacks in the United States, 9 in Western Europe, 29 in the Middle East, 50 in Latin America and 99 in Asia. These figures lead me to conclude that while the immense amount of resources we are devoting to terrorism may be a factor in its current low level, we would still have a very safe society if we spent a whole lot less money and endured much less inconvenience.

The April 1999 proposal counted market disruption (people forgoing travel after a crash) as a far greater cost than the actual destruction of lives and planes. Instead of continually terrifying us with stories of knives in canes and guns in teddy bears, our leaders should be preparing us for the possibility of airline sabotage sometime in the future by reminding us how extremely safe

aviation is — and will continue to be even if there are occasional tragedies. They should be telling us that the appropriate response to terrorism is to refuse to be terrified, to refuse to allow our way of life to be disrupted, to refuse to sacrifice our open and free society, to refuse to jettison the limits on government that are among America's most shining accomplishments. Donald Rumsfeld said on September 18, 2001, "We have a choice either to change the way we live, which is unacceptable, or to change the way that they live ... " We have certainly tried to do the latter (we want to change the way the whole world lives) but I wonder if the administration hasn't decided the former won't play in Peoria — or Pensacola — at least in this election cycle.

IV. CAPPS II, FAR FROM BEING "NORMAL," CONSTITUTES A RADICAL CHANGE IN OUR WAY OF LIFE AND THE RELATIONSHIP OF THE INDIVIDUAL TO THE STATE

I was taught that Americans should obey the law, pay their taxes, and be willing to fight and die for their country. Never was it said that it was our duty to report our travels to the government, along with sufficient data to permit the reconstruction of our entire travel history. But now the government is saying that I must submit additional — not "normal" — information to help the government to TRACK MY TRAVEL and decide whether to GRANT ME PERMISSION TO TRAVEL. It's totally outrageous that Americans should be required to submit to a background check as a travel requirement. Is CAPPS II about security, or is it about surveillance? What other entities will retain CAPPS II information — PNR and other — after TSA's copy is destroyed?

Government provision of data and payments to commercial data providers equals the DE FACTO CREATION OF GOVERNMENT DATABASES. And it's hard to believe commercial data providers will not use the names, birth dates, telephone numbers, and addresses the government will force us to give them. Many stellar financial institutions have violated regulations and their own privacy policies, and an investigation even showed many government agencies were tracking visitors to their Web sites in violation of their own stated assurances. These data providers are buying, selling, and trading data which I give to other entities for other purposes. I would love to be able to keep them from obtaining information on me, and I am alarmed by the possibility that I could be inconvenienced (or worse) in my travels if I am partially successful. And I would also prefer that the airlines have only that personal data they need to get me from place to place. CAPPS II forces me to provide them with information I would rather keep to myself or give only to a trustworthy travel agent.

There will undoubtedly be a spillover effect. Once people start acquiescing in giving airlines their home address, home phone, and date of birth, other entities (possibly encouraged by the government) are sure to expect the same. After the government told airlines to demand picture identification, other organizations followed.

V. SHOULD CAPPS II BE SCRAPPED?

If TSA decides to proceed with CAPPS II, the next notice should include:

1. A rigorous, detailed cost-benefit analysis. The costs should include the damage to our way of life, the psychic toll on those who are discomfited by the increased security measures, and the extra time expense to travelers; the benefits should consider that determined terrorists deterred from one action will probably take another. It would be good to include the cost of ALL security measures, using an analysis similar to that done in April 1999.

2. Statistical and historical information to help the American people do their own cost-benefit analysis, including answers to the following questions:

      a. How many planes with average passenger loads would have to crash every year to make travel by plane 10% as dangerous as car travel? (Nothing magical about 10%; 1% or any other number will do for comparison purposes.)

      b. In the history of aviation, how many Americans' deaths, worldwide, have been caused by bombs brought into the cabin by passengers? List separately if possible those in which the passenger was an unwitting accomplice, whom CAPPS II would be less likely to detect.

      c. How many deaths on American domestic flights have been caused by bombs brought into the cabin by passengers? Give dates and details.

      d. On American domestic flights, how many passengers and crew have been killed by weapons brought aboard by other passengers?

      e. What other countries have programs like CAPPS II, if any? What specific information do travelers in other countries considered "free" have to provide?

VI. WHO WILL MAKE THE DECISION?

If after another round of comments TSA still feels that CAPPS II is vital to airline safety, it should suggest that Congress make the ultimate decision and pass a separate bill to authorize CAPPS II, with an open rule in the House and unlimited time for debate in the Senate. This program constitutes such a change in American life that we must expect each of the people's representatives to go on record. An appropriate title for the legislation would be the "You Are No Longer Free to Move About the Country Act of 2004."

Let this be a horror story with a happy ending. Doff CAPPS II.

Sincerely,

Julia Smith

To the Project Officer:

CAPS 2 program must be modified. In depth personal data collection a violation of privacy rights and does not enhance security.

Passing along personal information to other agencies is absolutely unacceptable.

Dorothy K Lamb

Saturday, August 23, 2003

Ms. Nuala O'Connor Kelly
Chief Privacy Officer
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Ms. O'Connor-Kelly:

I understand that The Department of Homeland Security and the Transportation Security Administration are continuing the development of the Computer-Assisted Passenger Pre-Screening System or CAPPSII program and that this program that would search secret intelligence and law enforcement databases and issue every airline passenger a "risk score" based on their perceived risk to airline security.
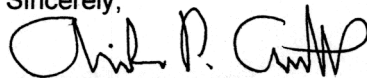
As a business and recreational traveler of over 100,000 miles per year as well as a concerned American citizen I urge you to help the DHS to reconsider this cumbersome and potentially racist and apparently unconstitutional "program". Most importantly, I find it entirely un-Democratic as CAPPSII will severely infringe on each individual's constitutional rights to privacy

From where will data to populate the databases come? Will I or others (as has happened already) undergo special security scrutiny, or be referred to law enforcement and possibly detained? Will I or others be branded a "risk" due to false information? How will erroneous information be corrected? Will CAPPS II unfairly target particular ethnic communities? Lastly, does the use of these secret databases remove public oversight and control over background checks?

Innocent, law-abiding Americans have already been subject to hassles, interrogation and searches every time they try to travel by air. Hassling and searches are generally conducted by over zealous, unqualified inspectors that often affect an eagerness for confrontation. Moreover, this system may not make us any safer. Terrorists will learn how to circumvent the system and identity theft (a very common and growing crime) will easily sidestep this check by presenting a false driver's license or passport, undercutting the system's entire mission. Lastly, constant false alarms might divert the attention of airport security officers from legitimate threats to security.

As a civil servant, what are your positions on the CAPPSII program? Once again, I urge you to help let Democracy stand and work to stop this invasive and untrustworthy systems' implementation.

Sincerely,

Christopher P. Grallert

MARY KEEFE

████████████

August 25, 2003

Privacy Officer
Dept. of Homeland Security
Washington, DC 20528

Re: Computer Assisted Passenger Pre-Screening II

Dear Sir or Madam:

  I wish to express my deep concern about the flawed nature of this overreaching program. Its proposed database on **all** air travelers is a roadmap to a police state that will surely inconvenience and harass people and misuse secret evidence. Since 9/11 we have had too many instances of government profiling and racial bias against innocent persons. Why not better coordinate existing structures and focus on known terrorists?

        Respectfully,

        Mary Keefe

        Mary Keefe

Phone:

August 20, 2003

The Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528

Re: Comments on DHS/TSA-2003-1

The **CAPPS II** program sounds positively Orwellian in its implications for the rights of ordinary Americans, and has no place in our "system of ordered liberty" as conceived by the founding fathers of this nation.

I have read that innocent people have already been stopped and banned from flying because their name appeared on government "no fly" lists -- and have been unable to clear their names in the federal bureaucracy. This national system would only increase the delays and blacklist even more innocent Americans - regular people traveling for work or vacations. I am a relatively frequent flyer, and have absolutely no idea of how this program "scores" me on its risk factor. We supposedly live in a democracy characterized by transparency of all three branches of government, and the **CAPPS II** program violates this core democratic principle on its face.

One lesson that this nation learned from the disaster of 9/11 is that terrorists are not fools. On that day, they engineered the descent of pure evil from the skies above New York City and elsewhere, and, as an employee of a firm that was located in the World Financial Center, I witnessed first-hand the murder of literally thousands of people before my eyes. I am still recovering from the psychological trauma associated with this disaster, and frequently find myself trapped in my apartment due to massive panic attacks for which I take prescription medications.

Terrorists will learn how to circumvent the system. Identity thieves could easily sidestep this check by presenting a false driver's license or passport, undercutting the system's entire mission. And the constant false alarms might divert the attention of airport security officers from legitimate threats to security. I myself have been the victim of identity theft, which I was fortunately able to nip in the bud due to the frequency with which I pull my credit file.

I have also read that, if adopted, the most intrusive and dangerous element of the program -- the construction of an infrastructure for conducting background checks on people who fly -- would depend on shadowy intelligence / law enforcement databases of questionable reliability. I am an Information Systems professional, and am aware of the dangers associated with databases and the extraction of relevant information from such databases. Errors are notoriously difficult to correct, since erroneous input to one database leads inevitably to the propagation of this error to other databases to which the erroneous entry is linked. The use of these secret databases would remove meaningful public oversight and control over these un-American background checks.

Once again, I urge you to stop this invasive and untrustworthy system.

Yours sincerely,

Philip L Chandler

Cc: The Honorable Hillary Rodham Clinton, US Senate
    The Honorable Charles Schumer, US Senate
    The Honorable Jerrold Nadler, US House of Representatives